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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION
12

13 SECURITIES AND EXCHANGE COMMISSION,

14 Plaintiff,

15 vs.

16 ROBERT C. BROWN, JR. AND TREBOR COMPANY
17 (AKA TREBOR INVESTMENT COMPANY, TREBOR
SEMINARS, TREBOR GROUP AND TREBOR GROUP
18 FUND),

19 Defendants,

20 and

21 DUANE EDDINGS, CDC GLOBAL, INC. AND WISE
INVESTORS SIMPLY EXCEL, LLC,

22 Relief Defendants.
23

Case No. C 08-03517 CW

[PROPOSED] PRELIMINARY
INJUNCTION

24
25 This matter came before the Court on an order to show case why a preliminary injunction
26 should not be issued. The Court has received and considered the Commission's complaint, *ex parte*
27 application for a temporary restraining order, memorandum of points and authorities and the
28 declarations of Mark Fickes, Jeremy Pendrey, William Michael McCombe, Patrick Whitfield, Teresa

1 Bunch and all exhibits attached to those declarations, the Commission's statement re order to show
2 cause, and all other submissions, written or oral, at or before the hearing. Good cause appearing, the
3 Court finds:

4 1. This Court has jurisdiction over the parties and the subject matter of this action,
5 pursuant to Sections 21(d)(3), 21(e), and 27 of the of the Securities Exchange Act of 1934
6 ("Exchange Act") and Sections 209(d) and 214 of the Investment Advisers Act of 1940 ("Advisers
7 Act"). 15 U.S.C. §§ 78u(d), 78u(e), 80b-9 and 80b-14.

8 2. This District is an appropriate venue for this action pursuant to Section 27 of the
9 Exchange Act and Section 214 of the Advisers Act. 15 U.S.C. §§ 78aa and 80b-14.

10 3. The Commission has demonstrated a likelihood of success on the merits of its action.

11 4. Good cause exists to believe that defendants Robert C. Brown, Jr. and Trebor
12 Company ("defendants") have engaged in, are engaging in, and are about to engage in transactions,
13 acts, practices and courses of business which constitute and will constitute violations of Section 10(b)
14 of the Exchange Act, 15 U.S.C. § 78(j), and Rule 10b-5 thereunder, 17 C.F.R. §240.10b-5, and
15 Sections 206(1) and (2) of the Advisers Act, 15 U.S.C. §§ 80b-6(1) & (2).

16 5. Good cause exists to believe that defendants will continue to engage in such acts and
17 practices and in such violations of the statutes and rules set forth above to the immediate and
18 irreparable loss and damage to investors and to the general public unless enjoined by order of this
19 Court.

20 6. Good cause exists to believe that relief defendants Duane Eddings, CDC Global, Inc.
21 and Wise Investors Simply Excel LLC received funds belonging to other persons to which they do
22 not have a superior legal right or claim.

23 7. Good cause exists to believe that immediate and irreparable injury will occur with
24 respect to the defendants' and relief defendants' assets, including those held by each individually and
25 those they hold jointly, which would adversely affect the ability of the Court to grant final effective
26 relief in equity and at law, unless the defendants and relief defendants are immediately restrained and
27 enjoined from controlling those assets, required to repatriate assets, and required to account to the
28 Court for those assets.

1 Therefore,

2 I.

3 IT IS ORDERED THAT defendants Robert C. Brown, Jr., and Trebor Company, and their
 4 respective officers, agents, servants, employees, attorneys, and those persons in active concert or
 5 participation with any of them, who receive actual notice of this Order, by personal service or
 6 otherwise, and each of them, are enjoined from, directly or indirectly, in connection with the purchase
 7 or sale of any securities, by the use of any means or instrumentality of interstate commerce, or of the
 8 mails, or of any facility of any national securities exchange:

9 A. employing any device, scheme or artifice to defraud;

10 B. making any untrue statement of a material fact or omitting to state a material fact
 11 necessary in order to make the statements made, in the light of the circumstances
 12 under which they were made, not misleading; or

13 C. engaging in any act, practice, or course of business which operates or would operate as
 14 a fraud or deceit upon any person;

15 in violation of Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Exchange Act Rule 10b-5,
 16 17 C.F.R. § 240.10b-5.

17 II.

18 IT IS FURTHER ORDERED THAT defendants Robert C. Brown, Jr., and Trebor Company,
 19 and their respective officers, agents, servants, employees, attorneys, and those persons in active
 20 concert or participation with any of them, who receive actual notice of this Order, by personal service
 21 or otherwise, and each of them, enjoined from, directly or indirectly, by the use of any means or
 22 instrumentality of interstate commerce:

23 A. Employing any device, scheme, or artifice to defraud any client or prospective client;

24 B. Engaging in any transaction, practice or course of business which operates as a fraud
 25 or deceit upon any client or prospective client;

26 in violation of Sections 206(1) and (2) of the Advisers Act, 15 U.S.C. §§ 80b-6(1) & (2).
 27
 28

III.

IT IS FURTHER ORDERED THAT defendants Robert C. Brown, Jr., and Trebor Company, and their respective officers, agents, servants, employees, attorneys, and those persons in active concert or participation with any of them, who receive actual notice of this Order, by personal service or otherwise, and each of them, are enjoined from transferring, assigning, selling, hypothecating, changing, wasting, dissipating, converting, concealing, encumbering, or otherwise disposing of, in any manner, their own funds, assets, securities, claims, or other property wherever located, as well as any of the funds, assets, securities, claims or other property of relief defendants Duane Eddings, CDC Global, Inc. and Wise Investors Simply Excel LLC including, but not limited to, the accounts opened or maintained in the names of Robert C. Brown, Jr., Trebor Company, Duane Eddings, CDC Global, Inc. and Wise Investors Simply Excel LLC, at the following financial institutions and brokerage firms:

1. Bank of America
2. Wells Fargo
3. Union Bank of California
4. TD Ameritrade, Inc.
5. TD Waterhouse Canada Inc.

IV.

IT IS FURTHER ORDERED THAT a freeze shall be placed on all monies and assets in all accounts at any bank, financial institution or brokerage firm holding accounts in the name or for the benefit of Robert C. Brown, Jr., Trebor Company, CDC Global, Inc. and Wise Investors Simply Excel LLC, and that all banks, financial institutions and brokerage firms holding such accounts shall not permit transactions in such accounts without further order of the Court.

V.

IT IS FURTHER ORDERED THAT defendants Robert C. Brown, Jr. and Trebor Company, and their respective officers, agents, servants, employees, attorneys, and those persons in active concert or participation with any of them, who receive actual notice of this Order, by personal service or otherwise, and each of them, are temporarily restrained and enjoined from directly or indirectly:

1 placing an order for any security for the account of themselves or another person; requesting or
 2 effectuating the transfer of funds into or out of any account held at any financial institution or
 3 brokerage firm in the name of, or for the benefit of, themselves or any other person by wire,
 4 electronic funds transfer, or otherwise; requesting or obtaining access to information regarding any
 5 account held at any financial institution or brokerage firm in the name of, or for the benefit of, any
 6 other person. Nothing in this Order shall be deemed to limit the defendants' right to seek information
 7 from parties, or third parties, through the means available under the Federal Rules of Civil Procedure.

8 VI.

9 IT IS FURTHER ORDERED THAT defendants Robert C. Brown, Jr. and Trebor Company
 10 shall file with this Court and serve upon the Commission, within five (5) court days of this Order, a
 11 sworn accounting of:

- 12 a. all securities, funds, real estate, and other assets held in defendants' name, or in
 13 which defendants have had any direct or indirect beneficial interest, stating the
 14 location of each of the assets;
- 15 b. each account with any financial institution or brokerage firm maintained in the
 16 name of Robert C. Brown, Jr., Trebor Company, Duane Eddings, CDC Global,
 17 Inc. and Wise Investors Simply Excel LLC, or in which any such persons or
 18 entities have or had any direct or indirect beneficial interest;
- 19 c. every transaction in which any funds or other assets of any kind were transferred
 20 to or from the brokerage firm or financial institution account of any person to or
 21 from the defendants, or the relief defendants, or the account of any person or entity
 22 that either defendants or the relief defendants control or over which they exercised
 23 control;
- 24 d. every transaction in which any funds or other assets of any kind were transferred
 25 from Robert C. Brown, Jr., Trebor Company, Duane Eddings, CDC Global, Inc.
 26 and/or Wise Investors Simply Excel LLC to any other person or to any entity in
 27 which Robert C. Brown, Jr., Trebor Company, Duane Eddings, CDC Global, Inc.
 28 and/or Wise Investors Simply Excel LLC had any ownership interest; and

1 e. all assets, funds, securities, and real or personal property received by Robert C.
2 Brown, Jr. in connection with the providing of investment advice and/or the
3 purchase or sale of securities of any kind, and the disposition of such assets, funds,
4 securities, and real or personal property, including, for each person or entity (i) the
5 specific use to which the investor's money was put, and (ii) each location to which
6 the investor's money was transferred.

7 VII.

8 IT IS FURTHER ORDERED THAT defendants Robert C. Brown, Jr. and Trebor Company,
9 and relief defendants Duane Eddings, CDC Global, Inc. and Wise Investors Simply Excel LLC, and
10 their respective officers, agents, servants, employees, attorneys, and those persons in active concert or
11 participation with any of them, who receive actual notice of this Order, by personal service or
12 otherwise, and each of them, shall keep, preserve and maintain all of their books, records, papers,
13 account statements, computers, email, electronic data, journals, data bases, calendars, hard drives,
14 flash drives, or any other documents, materials and media (however created, produced, or stored) that
15 relate to the matters raised in this proceeding.

16 VIII.

17 IT IS FURTHER ORDERED THAT defendants Robert C. Brown, Jr. and Trebor Company,
18 and their respective officers, agents, servants, employees, attorneys, and those persons in active
19 concert or participation with any of them, who receive actual notice of this Order, by personal service
20 or otherwise, and each of them, within seven (7) days of entry of this order, shall repatriate, and take
21 such steps as are necessary to repatriate to the territory of the United States of America, any and all
22 assets and funds, held by or in the name of or for the benefit of defendants or relief defendants, or
23 over which any of them maintained or maintains and/or exercises or exercised control. Relief
24 Defendants shall likewise repatriate any funds received from Defendants.

IX.

IT IS FURTHER ORDERED THAT the parties may immediately take discovery by any means authorized under the Federal Rules of Civil Procedure.

DATED: August __, 2008

Claudia Wilken
United States District Judge